

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 4:14MC00459 DDN
)	
ONE HUNDRED FIFTY-TWO)	
THOUSAND, NINE HUNDRED)	
NINETY-SEVEN DOLLARS AND)	
TWENTY-FOUR CENTS (\$152,997.24))	
FROM FIRST COLLINSVILLE BANK,)	
ACCOUNT # ...3903,)	
)	
TWO THOUSAND DOLLARS (\$2,000.00))	
FROM FIRST COLLINSVILLE BANK,)	
ACCOUNT # ...3904, and)	
)	
ONE HUNDRED TEN THOUSAND,)	
FIFTEEN DOLLARS AND)	
TWENTY-TWO CENTS (\$110,015.22))	
FROM EAGLE BANK & TRUST,)	
ACCOUNT # ...8589)	
)	
ONE 2010 NISSAN MURANO,)	
VIN: JN8AZ1MW3AW120649,)	
)	
ONE 2010 NISSAN ARMADA,)	
VIN: 5N1AA0NE5AN612202,)	
)	
ONE 2011 NISSAN TITAN,)	
VIN: 1N6AA0EC6BN313898, and)	
)	
ONE 2012 NISSAN PATHFINDER,)	
VIN: 5N1AR1NB3CC610211,)	
)	
Defendants.)	

FIFTH MOTION TO EXTEND TIME TO FILE COMPLAINT FOR FORFEITURE

Comes now the United States of America, by and through its attorneys, Richard G. Callahan, United States Attorney for the Eastern District of Missouri, and Richard E. Finneran,

Assistant United States Attorney for said District, and respectfully moves this Court to extend the time in which the United States is permitted to file a verified complaint for forfeiture and in support of its Motion states as follows:

1. As part of an ongoing investigation, the Federal Bureau of Investigation seized multiple items, including the following property:

- a) On April 1, 2014, the below property was seized:

- i. \$152,997.24 from First Collinsville Bank, Account #...3903,
- ii. \$2,000.00 from First Collinsville Bank, Account #...3904, and
- iii. \$110,015.22 from Eagle Bank and Trust, Account #...8589.

- b) On April 2, 2014, the below property was seized:

- i. 2010 Nissan Murano, VIN: JN8AZ1MW3AW120649, and
- ii. 2010 Nissan Armada, VIN: JN8AZ1MW3AW120649.

- c) On April 3, 2014, the below property was seized:

- i. 2011 Nissan Titan, VIN: 1N6AA0EC6BN313898, and
- ii. 2012 Nissan Pathfinder, VIN: 5N1AR1NB3CC610211.

2. All of the written notice of intent to forfeit required by Title 18, United States Code, Section 983(a)(3)(A) to be sent by the United States Federal Bureau of Investigation to potentially interested parties has been sent.

3. The time has expired for any person to file an administrative claim to the property under Title 18, United States Code, Section 983(a)(2)(A)-(E).

4. The only people to file administrative claims to the defendant property with the Federal Bureau of Investigation were Joseph Mahfood, Mary Mahfood, William Mahfood and Virginia Mahfood. Mr. Joseph Mahfood filed a claim for the \$152,997.24, \$2,000.00, \$110,015.22, 2010 Nissan Murano, 2010 Nissan Armada, 2011 Nissan Titan, and 2012 Nissan Pathfinder with the Federal Bureau of Investigation on May 27, 2014. Ms. Mary Mahfood filed

a claim for the \$152,997.24, \$2,000.00, \$110,015.22, 2010 Nissan Murano, and 2010 Nissan Armada with the Federal Bureau of Investigation on May 27, 2014. Mr. William Mahfood filed a claim for the 2011 Nissan Titan with the Federal Bureau of Investigation on May 27, 2014. Ms. Virginia Mahfood filed a claim for the 2012 Nissan Pathfinder with the Federal Bureau of Investigation on May 28, 2014.

5. Title 18, United States Code, Section 983(a)(3)(A) provides as follows:

Not later than 90 days after a claim has been filed, the Government shall file a complaint for forfeiture in the manner set forth in the Supplemental Rules for Certain Admiralty and Maritime Claims or return the property pending the filing of a complaint, except that a court in the district in which the complaint will be filed *may extend the period for filing a complaint for good cause shown* or upon agreement of the parties. (Emphasis added.)

6. Title 18, United States Code, Section 983(a)(3)(B) also provides that the United States may maintain possession of the property by filing criminal charges within the relevant time frame.

7. On May 12, 2015, the Government requested a Fourth Motion to Extend Time to File Verified Complaint for Forfeiture. Absent an order further extending its time, the United States must either file a civil complaint for forfeiture of the above-captioned property or file criminal charges no later than August 20, 2015.

8. The United States has an ongoing criminal investigation regarding the conduct giving rise to the forfeiture of the property. If a civil complaint is filed, any discovery in a civil case would impede the Government's ability to conduct its ongoing criminal investigation and might also create a burden on claimants' rights against self-incrimination. Should the property be returned to a claimant, there would be no assurance that the property would be available as evidence in any subsequent court proceedings.

9. The requested extension is in the interest of justice insofar as it avoids the need for duplicative actions and thereby conserves judicial and other governmental resources.

10. A proposed order is included herewith for the Court's consideration.

WHEREFORE, for the foregoing good cause, the Government respectfully requests that the Court extend the period in which the United States is required to file a Complaint against the property and/or to return criminal charges until November 18, 2015.

Dated: August 10, 2015

Respectfully submitted,

RICHARD G. CALLAHAN
United States Attorney

/s/ Richard E. Finneran
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CERTIFICATE OF SERVICE

I hereby certify that on August 10, 2015, a copy of the foregoing was sent via first-class mail, postage prepaid and addressed to the following:

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